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January 13, 2014

**Via ECF**

US DISTRICT COURT, NDNY  
Hon. Glen T. Suddaby, USDJ  
100 S. Clinton St.  
Syracuse, NY 13261

Re: United States v Jenkins  
Docket No.: 11 CR 605(GTS)

Dear Honorable Sir:

As the Court is aware, I am the attorney-of-record for Defendant JOSEPH JENKINS in the above-referenced matter. Please accept this correspondence as a request for clarification regarding the filing of a Trial Brief by Defense.

Counsel has read, and is familiar with the Court's Trial Order in this matter. Counsel is familiar with the deadlines, which calculate to require all pre-trial submissions be filed today, January 13, 2014.

During discussions earlier today amongst the parties, the Government indicated that Defense filing a Trial Brief was custom and practice in the District. A review of the Trial Order does not articulate a requirement for same. I respectfully request that the Court clarify whether it requires Defendant JENKINS to file a Trial Brief.

If so, it is respectfully requested for an adjournment as Counsel objects to the requirement of a defendant to file same. By virtue of the Court-Ordered Questionnaire, Witness List and Exhibit List, the Government and Court are aware that Defendant will not be seeking to introduce testimony and evidence associated with a statutory affirmative defense. Further, Defendant will not seek to introduce the testimony of an Expert Witness. Accordingly, any other and further disclosures by the defendant may be considered a violation of Defendant's Rights under the Fifth Amendment and the

vitiation of a defendant's privilege not to disclose theories of defense prior to trial.

It should be noted that Counsel sought clarification from the Court's Deputy this afternoon. I learned that Ms. Welch was unavailable and was advised by the Court's Law Assistant to seek clarification by means of letter.

Thank you for your time and consideration. Should the Court have any further questions, concerns or directives, please feel free to contact the undersigned.

Respectfully submitted,



Aaron M. Goldsmith

cc: Tamara Thomson, AUSA  
**via ECF and email**